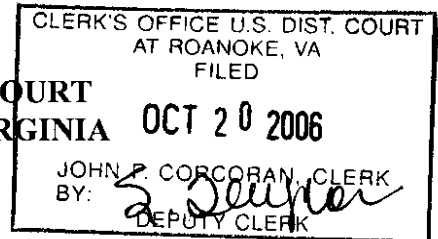


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION



JACOB B. FRITH, II, ET AL.

Plaintiffs,

v.

MARTINSVILLE THERMAL, INC.,  
ET AL.

Defendants

Civil Action No. 4:05-cv-00074

ORDER

By: Hon. James C. Turk

Senior United States District Court Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that 1) the plaintiffs' motion for summary judgment is **DENIED**; 2) Defendant Thermal Ventures II, LP's motion to dismiss for lack of personal jurisdiction is **GRANTED**; and 3) the defendants' motion to for summary judgment is **GRANTED** with respect to the plaintiffs' claim for declaratory relief and **DENIED** with respect to the plaintiffs' claim for damages.

The Clerk of Court is directed to send certified copies of this Order and the accompanying Memorandum Opinion to all counsel of record for the parties.

ENTER: This 20<sup>th</sup> day of October, 2006.

  
SENIOR UNITED STATES DISTRICT JUDGE